(4)

(1) C.I.L.

Division Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL NO. 1229 OF 2005

APPELLANT
CLAIMANT

Kailash Kumar Vishwakarma, Son of Shri Gayaram, aged about 19 years, Resident of Village Birejhar, Tahsil Kurud, District Dhamtari (C.G.).

VERSUS

RESPONDENTS

1. Nand Kumar Son of Shri Rajaram Jangde, aged about 33 years, Resident of Village Barchha, Police Station Arang, District Raipur (C.G.), Presently Residing at Bhawani Nagar, Labhandi, Raipur (C.G.). **DRIVER**

P.R. No. 2577/05
Presented by Shri S.P. Sahu
dated 30/9/05

2. Narsingh Agrawal Son of Shri Niranjan Agrawal, aged about 38 years, Resident of Mandir Hasoud, District Raipur (C.G.). **OWNER OF VEHICLE**

3. National Insurance Company Limited, Mobin Mahal, G. E. Road, Raipur (C.G.). **INSURER**

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988

CLAIM BEFORE THE LEARNED CLAIMS TRIBUNAL	Rs. 3,20,000/-
CLAIM AWARDED BY THE LEARNED CLAIMS TRIBUNAL	Rs. 60,000/-
CLAIM IN MEMO OF APPEAL	Rs. 2, 60,000/-

HIGH COURT OF CHHATTISGARH: BILASPUR

(LOK ADALAT)

MISCELLANEOUS APEAL NO. 1228 OF 2005

Appellant : Kailash Kumar Vishwakarma

Versus

Respondents: Nand Kumar and Others.

(Arising out of Claim Case No. 478 of 2004)

28-11-2006

Shri P.P. Sahu, counsel for the appellant.

None for respondents No.1 & 2.

Shri S. Das, Deputy Manager, National Insurance Company Limited with Shri Ashok Kumar Gupta, counsel for respondent No.3.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.2 shall pay Rs.50,000/- (Rupees Fifty Thousand Only) to the appellant.
2) For disbursement and deposit in FDR, the direction and ratio adopted by the Tribunal, if any, shall follow.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellant shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No.1 & 2 stands dismissed.
6) Out of the above amount, Rs.500/- (Rupees Five Hundred Only) shall be paid to counsel for the appellant directly by the Insurance Company towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-
V.K. Shrivastava
Judge

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Gowri

Judge -Lok Adalat
High Court of Chhattisgarh
Bilaspur